

**CITY OF TEXAS CITY
REGULAR CALLED CITY COMMISSION MEETING**

*** * AGENDA * ***

**WEDNESDAY, JULY 16, 2008 - 5:00 P.M.
KENNETH T. NUNN COUNCIL ROOM - CITY HALL**

1. INVOCATION

Rev. Clark First Baptist Church

2. PLEDGE OF ALLEGIANCE

3. PROCLAMATIONS AND PRESENTATIONS

Award of Recognition - Firefighter Gary Boatright

Award of Merit - Texas City Lifeguards

Amanda Chapa

Emily Abrams

Jenna Garza

4. PUBLIC HEARING

- a.** The City of Texas City requests to amend the City of Texas City's Code of Ordinances by adding Section 40-67 (h) Setbacks from pipelines.

5. CONSENT AGENDA

- a.** Consider approval of the July 2, 2008 minutes from the Regular Called City Commission Meeting.
- b.** Consider approval of **Resolution No. 08-053** awarding the **annual contract** for the purchase and delivery of **Surface Treatment Rock, Basalt and Limestone**.
- c.** Consider approval of **Resolution No. 08-052 updating** the **signatorys** on account held at Texas First Bank.
- d.** Consider approval of **Resolution No. 08-054 updating** the **signatorys** on accounts held at Regions Bank.
- e.** Consider approval of **Resolution No. 08-055** placing a 4-way stop signs at 25th Street (Logan)/5th Avenue South Intersection and 21st Street and 5th Avenue South Intersection.

- f. Consider approval of **Resolution No. 08-056** re-appointing **Jane Baucum** to the **Board of Commissioners for the Housing Authority** and replacing Randy Pearson with **Ms. Oversia Gilbert** as Resident Board Member for the Board of Commissioners for the Housing Authority.
- g. Approve and award **Resolution No. 08-057**, for **Sander/Vincent Community Center**. Funds are available from the Texas City Economic Development Corporation.

6. REGULAR ITEMS

- a. Consider approval of **Ordinance No. 08-31** amending the **City of Texas City Code of Ordinances** by adding **Section 40-67 (h) Setbacks from pipelines**.
- b. Consider approval of **Ordinance No. 08-32** to amend the **City of Texas City's fiscal year 2007/2008 budget** for the change order on the **Phase X Sewer Rehabilitation Project**.
- c. Consider approval of **Ordinance 08-33**, request to amend the **City of Texas City's fiscal year 2007/2008 budget**, to partially fund **Sanders/Vincent Community Center project** from Texas City Economic Development Corporation.
- d. Consider approval of **Ordinance No. 08-34**, request to amend the City of Texas City's **fiscal year 2007/2008 budget** to fund the **Sanders/Vincent Community Center project** from the General Fund.

7. PUBLIC COMMENTS

8. MAYOR'S COMMENTS

9. COMMISSIONERS' COMMENTS

NOTICE OF ANY SUBJECT APPEARING ON THIS AGENDA REGARDLESS OF HOW THE MATTER IS STATED MAY BE ACTED UPON BY THE CITY COMMISSION.

NOTICE: The City of Texas City will furnish free transportation to handicapped individuals via a 4-door sedan for anyone wishing to attend the City Commission meetings. Call 948-3111, City Secretary's Office before noon on Monday preceding the meeting to make arrangements.

I CERTIFY THAT THE ABOVE NOTICE OF THE MEETING WAS POSTED ON THE BULLETIN BOARD IN THE MUNICIPAL BUILDING, 1801 9TH AVENUE NORTH, TEXAS CITY, TEXAS ON THE DATE LISTED BELOW AT 5:00 P.M.

**PAMELA A. LAWRENCE
CITY SECRETARY**

DATED: _____

Pipeline Setbacks - ADDING SECTION 40-67 (h)Setbacks from pipelines CITY COMMISSION AGENDA 2

Date: 07/16/2008

Submitted By: Julie Morreale, Planning

Submitted For: Don Carroll

Department: Planning

Agenda Area: Public Hearing

Information

ACTION REQUEST (Brief Summary)

Request approval of the addition of SECTION 40-67 (h)Setbacks from pipelines.

PROPOSED ZONING ORDINANCE

AMENDMENTS - PUBLIC HEARING

ADDING SECTION 40-67 (h)Setbacks from pipelines

Section 40-67 (h) Change to: To provide adequate protection in all districts zoned for residential uses, a minimum setback of 25 feet of all buildings from any underground, high-pressure, gas pipeline easement or any other hazardous pipeline is required. When deemed necessary, the City Commission may request additional setbacks.

BACKGROUND

Planning Board members and the Zoning Commission unanimously voted to recommend approval of this request. Please reference the attached minutes. It is now ready to go before the City Commission for final approval.

ANALYSIS

ALTERNATIVES CONSIDERED

Fiscal Impact

Attachments

Link: [PH
Notice-setbacks
from pipelines](#)

Link: [ccmemo](#)

Link: [ph notpipe](#)

Link: [planmin4/7](#)

Link: [planmin5/5](#)

Link: [zcmin6/3](#)

NOTICE OF PUBLIC HEARING

Notice is hereby given that the City Commission of Texas City will hold a **PUBLIC HEARING** on **Wednesday, July 16, 2008 at 5:00 p.m.** in the Kenneth T. Nunn Room at City Hall. The purpose of the Public Hearing is to hear citizens' opinion in favor of or in opposition to the City of Texas City's amendment to the City's Zoning Ordinance.

PROPOSED ZONING ORDINANCE AMENDMENTS ADDING SECTION 40-67 (h) Setbacks from pipelines

Section 40-67 (h) To provide adequate protection in all districts zoned for residential uses, a minimum setback of 25 feet of all buildings from any underground, high-pressure, gas pipeline easement or any other hazardous pipeline is required. When deemed necessary, the City Commission may request additional setbacks.

Any citizen wishing to voice his or her opinion in favor of or in opposition to the above change is invited to be present and will be heard. If you are opposed to this rezoning request, you must submit valid reasons for opposition in writing to the City Commission of Texas City, P. O. Drawer 2608, Texas City, TX 77592-2608. Written comments will be accepted and considered on or before the date of the Public Hearing. After hearing the rezoning request, you may withdraw your opposition should your objections be satisfied. Your withdrawal should be in writing to the City Commission.

/s/ Pamela A. Lawrence
Pamela Lawrence, City Secretary
City of Texas City

Date of posting: June 20, 2008

Memo

To: City Commission
From: Doug Kneupper, City Engineer
CC:
Date: 7/16/2008
Re: Pipeline Setbacks

During the April 7th meeting, discussion arose regarding setback or separation distances between pipelines and residential properties. Shell Pipeline Company has proposed to install a gas pipeline with a 43' setback in some locations. Currently, the zoning ordinance requires a 60' setback between pipelines and residences. Staff has researched other cities for similar setback requirements and found that several cities do not have any pipeline/building separation stipulations. The cities that do have setback information are as follows:

Deer Park – 16' setback

Friendswood – 50' setback

Santa Fe – 16' setback

Webster – 16' setback

Neither the Texas Railroad Commission nor the Federal DOT has any published setback requirements for gas pipelines. For liquid pipelines there is a 50' separation that can be eliminated if the pipeline is buried at least 4'.

After considering all the above information, staff recommends maintaining a 25' setback between pipelines and residentially zoned property. Basically, the 25' is a combination of the 20' rear setback required in single-family residential areas and a 5' construction buffer between a pipeline trench and the boundary of a property or corridor.

With the Planning Board's concurrence, staff will move forward with an amendment to the zoning ordinance stipulating a 25' setback between pipelines and buildings in residential zoning districts.

NOTICE OF PUBLIC HEARING

Notice is hereby given that a Public Hearing will be held before the Texas City Zoning Commission at 5:15 p.m. on Tuesday, June 3, 2008 in the Conference Room at City Hall Annex, 928 - 5th Avenue North. The purpose of the Public Hearing is to hear citizens' opinion in favor of or in opposition to the City of Texas City rezoning requests.

PROPOSED ZONING ORDINANCE AMENDMENTS - PUBLIC HEARING ADDING SECTION 40-67 (h)Setbacks from pipelines

Section 40-67 (h) Change to: To provide adequate protection in all districts zoned for residential uses, a minimum setback of 25 feet of all buildings from any underground, high-pressure, gas pipeline easement or any other hazardous pipeline is required. When deemed necessary, the City Commission may request additional setbacks.

Any citizen wishing to voice his opinion in favor of or in opposition to the above change is invited to be present and will be heard. If you are opposed to the proposed rezoning you must submit valid reasons for opposition in writing to the Zoning Commission of Texas City, P.O. Drawer 2608, Texas City TX 77592-2608. Written comments will be accepted and considered on or before the date of the Public Hearing. After hearing the rezoning request, you may withdraw your opposition should your objections be satisfied. Your withdrawal should be in writing to the Zoning Commission.

Respectfully,

Donald R. Carroll
City Planner

DRC:jm
DATED: May 6, 2008

APPROVAL OF MINUTES

On Monday, April 7, 2008 at 5:00 p.m. the Planning Board met in a regularly scheduled meeting. Board members present were: Eloise O'Bryant, Jose Boix, Harold Fattig, Mayor Doyle, Commissioner Haney and Dickie Campbell. Staff members present were: Brian Falk, Doug Kneupper and Julie Morreale. Citizens present were: Ginger Thornton, Matt Lyle, Father Tom Ponzini, Dan Rolstad, Brooks Bradford and Bob Patel.

APPROVAL OF MINUTES. A motion to approve the minutes of March 17, 2008 was made by Jose Boix/Dickie Campbell. All members present voted aye. Mrs. Eloise O'Bryant presided over the meeting. The chairperson indicated a quorum was present and called the meeting to order.

ITEM NO. 1. St. Mary's Church request approval for an extension of a permit for temporary classrooms located at Fatima School. (Action) Father Tom Ponzini requests an extension for the temporary building located at Fatima School. He stated that the church is working toward permanent buildings and developing the property. Mr. Brian Falk, Building Official, recommended an inspection of the temporary buildings to ensure their safety be added as a stipulation if the extension is granted. **A motion to approve the one year extension with the inspection stipulation was made by Dickie Campbell/Jose Boix. All members present voted aye.**

ITEM NO. 2. Staff report/recommendation regarding allowable Zoning District Uses within the Business Growth Industrial Area (Land Use Designation) (Non Action) Mr. Doug Kneupper stated the City Planner, Donald Carroll, has had some proposals for the area listed as Business Growth Industrial Area. Due to the terminology listed it eludes to a Light Industrial Use and this type of business does not seem to be the vision of the Board. He further stated this item could be tabled and brought back to the Board at a later date with more of a presentation for possible changes to the description. Mr. Boix asked if the Business Growth Industrial Area would be better zoned under another listing. Mr. Kneupper stated that just changing the description should be sufficient. After a brief discussion, the Board recommended tabling this item for two weeks and bringing it back at the next meeting.

ITEM NO. 3. Shell Pipeline presentation and request for approval of pipeline alignment (site plan). (Action) Mrs. Ginger Thornton represented Shell Pipeline addressed the board and stated Shell is working on the route for a pipeline from the Deer Park area into Texas City. This pipeline would be for a dry gas product. She further stated this project originated in 2004, but due to economical reasons was put on hold. She stated this project is now ready to move forward; however, some changes have been made from the original route due to the amount of pipelines currently in that corridor. The proposed route has five areas that have structures closer than 60 feet to the proposed pipeline. Commissioner Haney requested the diameter of the pipe and what it is made of. Mrs. Thornton stated it is 12 inches and is a steel pipe. Commissioner Haney then asked approximately how long the segments of pipes will be before each weld. Mr. Matt Lyle stated it will be forty foot segments of pipe before each weld. Mayor Doyle stated that once a pipeline is laid it becomes a pipeline corridor and this is a topic

that needs more discussion. Mayor Doyle asked what the Railroad Commission setback is. Mr. Brian Falk stated that information was not on hand. Mayor Doyle requested the information be brought to the Board. Mayor Doyle stated this topic needs more information and asked if an answer can be given regarding the variance in two weeks. After a brief discussion, **a motion was made by Jose Boix/Mayor Doyle to table this item for two weeks. All members present voted aye.**

ITEM NO. 4 Other Business

-Chufos Tire Shop request consideration for addition to existing building (wish to expand metal building located in the Gateway Corridor) Mr. Doug Kneupper stated that this item was decided by himself and the Building Official, Mr. Brian Falk, to have the addition meet the current masonry ordinance.

-Bob Fahey a request consideration an alternative material for building facade for a pending project along Hwy 146. Mr. Doug Kneupper stated that in the Gateway Corridor there is a provision of 300 feet and would like clarification if the development if it is further than 300 feet back. What would be the best way to comply with the masonry ordinance. Mayor Doyle stated that if it can be seen then, the building must comply. Mr. Falk stated that structure rock has been brought to the attention of Mr. Fahey. A discussion regarding the project site plan and visibility from the roadway occurred. Mayor Doyle stated that attaching the new building to the existing building could make it less visible. He further stated using a type of structure rock and, adding landscaping and/or fencing would improve the appearance of the property.

There being no further business, a motion was made to adjourn by Jose Boix/Harold Fattig. All members present voted aye.

Eloise O'Bryant, Chairperson

Doug Kneupper, Acting Secretary

APPROVAL OF MINUTES

On Monday, May 5, 2008 at 5:00 p.m. the Planning Board met in a regularly scheduled meeting. Board members present were: Eloise O'Bryant, Dickie Campbell, Harold Fattig, Jose Boix and Commissioner Haney. Staff members present were: Brian Falk, Doug Kneupper, Don Carroll and Julie Morreale. Citizens present were: Dan Rolstad, Matt Lyle and Geoff Sanders.

APPROVAL OF MINUTES. A motion to approve the minutes of April 21, 2008 was made by Commissioner Haney/Dickie Campbell. All members present voted aye. Mrs. Eloise O'Bryant presided over the meeting. The chairperson indicated a quorum was present and called the meeting to order.

ITEM NO. 1. Staff report/recommendation regarding Pipeline Setbacks. (Action) Mr. Doug Kneupper provided recommendations (attached) by Staff to the Board regarding the pipeline setback. After a brief discussion regarding the pipeline setbacks **a motion to approve the staff recommended pipeline setback ordinance change was made by Harold Fattig/Jose Boix. All members present voted aye.**

ITEM NO. 2. Shell Pipeline presentation and request for approval of pipeline alignment (site plan). (Action) The Board requested if new information was being presented. Mr. Carroll stated that this was the same overview presented to the Board on April 7, 2008. After a brief discussion **a motion to approve the site plan with the contingency of approval of the new pipeline setback by the City Commission and by approval of Mayor Doyle was made by Harold Fattig/Jose Boix. All members present voted aye.**

ITEM NO. 3 Other Business

-Staff discussion regarding allowable zoning district uses within the Business Growth Industrial Area (Land Use Designation). (Non Action) Mr. Carroll provided recommendations and photographs (attached) by Staff to the Board regarding the Business Light Industrial Growth Area. Mr. Carroll presented photographs of the current conditions on Highway 146 and FM 1764. He further presented photographs of areas of LaPorte that are similar to Texas City's business light industrial areas. Mr. Carroll proposes that "F", "F-1" and "Planned Industrial" adhere to the Brick Masonry Provision. Mr. Campbell requested the ordinance information for LaPorte. Specifically does the City of LaPorte (where the Distribution Center pictures were taken) require their Light Industrial Zoning District to adhere to the masonry brick provisions of their Zoning Ordinance? Mr. Carroll stated research and benchmark surveys would be conducted and presented back to the Board.

Commissioner Haney requested more information on Kelly Industries on Highway 146 and if they are meeting allowed standards regarding items outside of the business considering possible damages that could occur with storm situations.

There being no further business, a motion was made to adjourn by Jose Boix/Harold

Fattig. All members present voted aye.

Eloise O'Bryant, Chairperson

Donald Carroll, Secretary

ZONING COMMISSION MINUTES

June 3, 2008

The Zoning Commission for the City of Texas City met in a regularly scheduled meeting on Tuesday, June 3, 2008 at 5:15 p.m. Board members present were: Acting Chairman James Horan, Bert Dahl, Perry O'Brien and Yvonne Chatelain. Staff members present were: Don Carroll, Brian Falk, Doug Kneupper and Julie Morreale. Citizens present were: Delia Molina, Nick Stepchinski, Christy Stepchinski, Sandra Spung, Debra Roberts and Gurdev Singh.

Acting Chairman Horan welcomed everyone and explained the procedure for the Public Hearings.

APPROVAL OF MINUTES. The minutes from the May 20, 2008 meeting were approved on a motion by Bert Dahl/Perry O'Brien. All members present voted aye.

ITEM NO. 1 Gurdev Singh requests to rezone from "A-1" (Single Family Residential) to "E-2" (Freeway Commercial) for hotel. Being part of Lot 47, Lot 48, Lot 73, Lot 74; Resubdivision of 1st Subdivision of Highland. Being a part of approximately 20,000 acres. Between I-45 and Noble Road. (Action) Mr. Carroll stated that 13 property owners were notified of the intent to rezone, to date one letter of opposition has been received to the request. Mr. Carroll then read the comments from the various Department Heads. The comments were as follows: Planning Director, "No objections to Land Use intent, it is not in conflict with L.U.P. or Zoning Ordinance. Must meet all performance standards. Must make sure traffic is not routed through the neighborhood." Building Official, "No objections". Fire Marshall, "No objections". Tax Assessor-Collector, "No delinquent city, county or school tax". City Engineer, "No Comment; I support the request". The Public Hearing was then opened on a motion by Bert Dahl/Perry O'Brien. All members present voted aye. Mr. Stepchinski addressed the Commission for Mr. Singh. He presented a conceptual plan, with current pictures of the property (attached). Mr. Stepchinski stated Mr. Singh wants to purchase the property and construct a hotel. Mr. Stepchinski stated that the pictures show where the entrances would be for the hotel and the majority of the ingress/egress would be used from I-45 feeder road with a small percentage on Noble to be able to get to the local restaurants. He further stated everything south of this property is zoned commercial. Mr. Don Carroll asked how many units would be in the hotel. Mr. Singh stated there would be 40 units and it would be two stories. Mrs. Yvonne Chatelain asked what the acreage would be. Mr. Singh stated it would be 1.25 acres and the proposal is a franchise hotel. Mr. Bert Dahl asked what businesses are close to the proposed hotel. Mr. Singh stated there is a Domino's Pizza on the corner of Noble Road. Mr. Perry O'Brien asked what are the planned dimensions of the building. Mr. Stepchinski provided the approximate dimensions of the building with his own property along one side. Mr. O'Brien asked what type of signage would be used. Mr. Stepchinski stated a large sign would be on I-45 and a small sign on Noble Road. Mr. Carroll stated the sign would have to meet the Sign Ordinance requirements. Mr. Horan offered to hear from the citizens present in opposition. Mrs. Delia Molina, representing her son, Jimmy Molina, stated her son mailed in a letter of opposition. She stated that he owns the residential property closest to the property in question and they have concerns about increased traffic, theft, littering, safety and security being next to a hotel. She would like proof of how the property owner plans to address these concerns. Mrs. Sandra Spung stated she owns the third house on the left and stated that is concerned with the increased traffic, pedestrians walking the streets at all hours, concerns of the possible increase in crime. Ms. Debbie Roberts stated that she has documentation of the crime rate presently in the neighborhood due to another small hotel and Jack-N-Box. She further stated she believes another hotel will increase crime and would like to know what the security plan is. Mr. Carroll stated the City Staff stipulations require fencing/screening and landscaping to shield

the surrounding property owners and mediate the concerns. Ms. Roberts asked how long it will take to complete the screening or if it will be in place for the opening of the hotel. Mr. Carroll stated that it is not uncommon to have this type of landscaping completed but at this point this is still a conceptual plan. Mrs. Spung asked if the hotel will have a bar, restaurant or swimming pool on the property. Mr. Singh stated that the hotel would probably have a swimming pool but it would be on the highway side of the property. Ms. Reynolds asked what the measurements of the hotel would be and where the parking will be located. Mr. Singh gave the approximate details using the photographs of the location. Ms. Reynolds presented the Commission with a petition of property owners in the area (attached). She also presented the Commission with a print out of crimes in the area from the local law enforcement (attached). Mrs. Molina suggested the City redirect traffic flow in the area because there is already excess traffic on Noble. Mr. Horan stated that this Commission only looks at the land use and the concerns brought up are very helpful and should be brought to the attention of the City Commission who will make the final decision; however, this Commission has to ensure the property owner is meeting the standards of the zoning in this particular area. Mrs. Molina stated they understand that but they don't want the area rezoned. Mr. Carroll stated all opposition letters will be verified by location and proximity to this property to make sure they are within the 200 feet notification area. If 20% of the land owners around the proposed site are in opposition then the information will be forwarded to the City Commission. Ms. Reynolds asked how many letters were sent out. Mr. Carroll stated the guidelines for rezoning state property owners within 200 feet be notified and a total of 13 property owners were mailed notification. Mr. Richard Hubble stated the residents of the area are upset and feel they have a right to be notified since they also live on Noble Road. Mr. Carroll informed the Citizens present that our required notification process adheres to the State Zoning Enabling Statutes and our Zoning Ordinance. After a brief discussion, **a motion to close the Public Hearing was made by Yvonne Chatelain/Bert Dahl. All members present voted aye.** Mr. Doug Kneupper asked if traffic on Noble Road would be limited. Mr. Don Carroll stated that limited access on Noble Road along with privacy fencing/screening has been recommended for the residential areas. Mr. Horan stated the site plan will still have to come before the Planning Board for final acceptance. Mr. Perry O'Brien stated he would like more information and would like this request to be reviewed by the Planning Board for their input. He further stated this request does seem to comply with the Land Use Plan but feels that traffic seems to already be a problem in that area. He continued to state he would like to have more information to verify if the hotel will actually meet the allowed setbacks. **A motion to recommend the request to be brought before the Planning Board on June 16, 2008 and brought back to the Zoning Commission on June 17, 2008 was made by Perry O'Brien/Yvonne Chatelain. All members present voted aye.**

ITEM NO. 2 Proposed Zoning Ordinance Amendments; Amending Section 40-67 (h) Setbacks from pipelines. Section 40-67 (h) be changed to: To provide adequate protection in all districts zoned for residential uses, a minimum setback of 25 feet of all buildings from any underground, high-pressure, gas pipeline easement or any other hazardous pipeline is required. When deemed necessary, the City Commission may request additional setbacks. (Action) Mr. Don Carroll gave an overview of the proposed Zoning Ordinance amendment. Mrs. Chatelain asked if we currently have a 60 foot setback line from the easement to the building. Mr. Kneupper stated currently the Zoning Ordinance states that no residential structure shall be constructed within 60 feet of a pipeline. He further stated that most cities have minimum setbacks

for pipelines that are less than 25 feet that this has been workshopped with the Planning Board and they approved the 25 foot setback. Mr. Carroll stated when this item was workshopped Shell Pipeline agreed to use thicker pipelines depending on the product in the pipeline and stated they would agree to go deeper than necessary for safety. **A motion to approved the amendment to the Zoning Ordinance; Amending Section 40-67 (h) Setbacks from pipelines. Section 40-67 (h) was made by Perry O'Brien/Bert Dahl. All members present voted aye.**

ITEM NO. 3 Recommendations regarding allowable zoning district uses within the Business Growth Industrial Area (Land Use Designation) workshop. (Action) Mr. Don Carroll stated the areas being reviewed are in the Business Growth Area. He stated the Staff is making a recommendation for change in the Activity Corridor along FM 1764 between Highway 3, Highway 146 and the direction of FM 1765. Mr. Carroll stated the Staff believes this is prime commercial property and would like to have the Masonry Ordinance in this area. Mr. Carroll stated the "Light Industry" classifications would be brought to the Zoning Commission for approval to have the Masonry Ordinance amended to include these areas. Mr. Carroll presented pictures to the Commission of local areas using full masonry compared to similar areas of our city. Mrs. Chatelain stated she believes that making this stricter change makes it harder on property owners and developers. Mr. Carroll stated he acknowledges there may be some additional cost, but there is an appeal process under the current provisions for the property owners and developers. Mr. Carroll further stated this is a workshop issue regarding the land use and although it is not required he would like to bring this back to the Commission as a Public Hearing. Mr. Carroll will also bring the recommended text changes to Light Industry and Outdoor Industrial to require them to adhere to the Masonry Ordinance. Mr. O'Brien stated as changes are made the City must think of small businesses that might not be able to build due to increased costs. Mr. O'Brien stated he would like to find out what the Commission can do with existing properties to improve the appearance in the areas of the Activity Corridor. Mr. Carroll stated a Public Hearing notice will be posted for the Zoning Commission regarding the Activity Corridor, "Light Industrial" and "Outdoor Industrial".

After a brief discussion **a motion was made by Yvonne Chatelain/Bert Dahl to adjourn. All members present voted aye.**

James Horan, Acting Chairman

Donald R. Carroll, Secretary

5.a.

Minutes of City Commission Meeting 7/2/08
CITY COMMISSION AGENDA 2

Date: 07/16/2008
Submitted By: Susan Sensat, Administration
Submitted For: Pam Lawrence
Department: Administration
Agenda Area: Consent

Information

ACTION REQUEST (Brief Summary)

Consider approval of the July 2, 2008 minutes from the Regular Called City Commission Meeting.

BACKGROUND

ANALYSIS

ALTERNATIVES CONSIDERED

Fiscal Impact

Attachments

Link: [07-02-2008](#)
[CC Minutes](#)

CITY OF TEXAS CITY
REGULAR CALLED CITY COMMISSION MEETING

* * M I N U T E S * *

WEDNESDAY, JULY 2, 2008 – 5:00 P.M.
KENNETH T. NUNN COUNCIL ROOM – CITY HALL

A **Regular Called Meeting of the City Commission** was held on **Wednesday, July 2, 2008, at 5:00 P.M.** in the Kenneth T. Nunn Council Room in City Hall, Texas City, Texas, with the following in attendance: Mayor Matthew T. Doyle; Commissioners: Tommy Clark, Dee Ann Haney, Dedrick Johnson, Mike Land; Donald Singleton and J. W. Wilson.

The Mayor declared a quorum present and called the meeting to order at 5:00 p.m.

The **Mayor** called upon **Commissioner Clark**, to offer the **Invocation**. **Commissioner Land** led all present in the **recitation of the Pledge of Allegiance**.

PROCLAMATIONS AND PRESENTATIONS

There were no proclamations or presentations.

CONSENT AGENDA: All of the following items on the Consent Agenda are considered to be routine by the City Commission and will be enacted by one motion. There will not be separate discussion of these items unless a Commission Member or citizen so requests. For a citizen to request removal of an item, a speaker card must be filled out and submitted to the City Secretary.

- a. Consider approval of the **Minutes** from the June 18, 2008 Regular Called City Commission Meeting.
- b. Consider approval of **Resolution No. 08-050** authorizing the Mayor to execute an Interlocal Governmental Agreement between the County of Galveston, the City of Texas City and the City of Galveston – 2008 Byrne Justice Assistance Grant (JAG) Program Award.

RESOLUTION NO. 08-50

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A INTERLOCAL AGREEMENT WITH THE COUNTY OF GALVESTON AND THE CITY OF GALVESTON REGARDING THE AWARD AND DISTRIBUTION OF THE 2008 BYRNE JUSTICE ASSISTANCE GRANT; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

- c. Consider approval of **Resolution No. 08-051** amending the CDBG Program Program Budget to reallocate funds from the "Community Policing Project" to "Public Housing Improvements Project".

RESOLUTION NO. 08-51

A RESOLUTION APPROVING AN AMENDMENT TO THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM BUDGET; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

Commissioner Land made a MOTION to APPROVE the CONSENT AGENDA; the motion was SECONDED by Commissioner Wilson. All present voted AYE. MOTION CARRIED.

REGULAR ITEMS

- a. Consider approval of **Ordinance No. 08-29** approving the **second reading** of the revised **Subdivision Ordinance**.

The City Attorney remarked that presently this is under legal review. John Olson, whose expertise is planning law, wanted to take a look at it. We would like to give him some time to look at it and to get his comments. The City Attorney requested that this item be tabled.

ORDINANCE NO. 08-29

AN ORDINANCE AMENDING CHAPTER 110 OF THE CODE OF ORDINANCES OF THE CITY OF TEXAS CITY, GALVESTON COUNTY, TEXAS, ALSO KNOWN AS THE SUBDIVISION ORDINANCE, BY REPEALING THE CURRENT CHAPTER 110 AND ADOPTING A NEW CHAPTER 110 "SUBDIVISIONS"; CONTAINING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR THE READING OF THIS ORDINANCE ON THREE (3) SEPARATE DAYS; AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION AND PUBLICATION BY CAPTION ONLY IN THE OFFICIAL NEWSPAPER OF THE CITY.

Commissioner Singleton made a MOTION to TABLE the SECOND READING of Ordinance No. 08-29; the motion was SECONDED by Commissioner Haney. All present voted AYE. MOTION CARRIED.

- b. Consider approval of **Ordinance No. 08-30** establishing a temporary speed limit reduction on State Highway 3 from the north city limit to the 0.33 miles north of FM 1764, a distance of approximately 4.9 miles, from 50 and 55 to 45 MPH while road improvements are being completed.

The Texas Department of Transportation has informed the City of Texas City that operations will begin in the near future to upgrade State Highway 3. In the interest of safety, it is desirable to maintain a construction speed zone during the construction period. A temporary speed limit reduction along State Highway 3 from the north city limit to 0.33 miles north of FM 1764, a distance of approximately 4.9 miles, from 50 and 55 to 45 mph shall be established while road improvements are being completed. This Ordinance shall be in effect only during the period of construction. Completion of this project shall automatically cancel the speed zones without further action by the City Commission. Necessary signs for posting the speed zones will be furnished, installed, and maintained by the direction of the Texas Department of Transportation engineer in charge of the project.

ORDINANCE NO. 08-30

AN ORDINANCE ESTABLISHING SPEED LIMITS DURING CONSTRUCTION ALONG A PORTION OF STATE HIGHWAY 3 WITHIN THE CORPORATE LIMITS OF THE CITY OF TEXAS CITY AND PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING A SAVINGS CLAUSE; DISPENSING WITH THE REQUIREMENT FOR READING THIS ORDINANCE ON THREE (3) SEPARATE DAYS; AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

Commissioner Land made a MOTION to APPROVE Ordinance No. 08-30 establishing a temporary speed limit reduction on State Highway 3 from the north

city limit to the 0.33 miles north of FM 1764, a distance of approximately 4.9 miles, from 50 and 55 to 45 MPH while road improvements are being completed; the motion was SECONDED by Commissioner Singleton. All present voted AYE. MOTION CARRIED.

PUBLIC COMMENTS

There were no public comments.

MAYOR'S COMMENTS

Important dates:

July 4, 2008 – Parade at 10:00 a.m.
Jaycees Fireworks Display

COMMISSIONERS' COMMENTS

Having no further business, Commissioner Johnson made a MOTION to ADJOURN at 5:11 p.m.; the motion was SECONDED by Commissioner Haney. All present voted AYE. MOTION CARRIED.

MATTHEW T. DOYLE, MAYOR

ATTEST:

Pamela A. Lawrence, City Secretary

pal: 07-3-2008

5.b.

Bid # 2008-911 Surface Treatment Rock, Basalt and Limestone Annual Contract

CITY COMMISSION AGENDA 2

Date: 07/16/2008

Submitted By: Rita Williams, Purchasing

Department: Purchasing

Agenda Area: Consent

Information

ACTION REQUEST (Brief Summary)

Approve and award Bid # 2008-911 for the purchase and delivery of Surface Treatment Rock, Basalt and Limestone Annual Contract.

BACKGROUND

On June 5, 2008, two (2) bid packets were mailed to area vendors. A bid tabulation is attached for your review.

Bids opened Wednesday, June 18, 2008 at 2:00 p.m.

ANALYSIS

The low responsible bid meeting all specifications was received by Vulcan Construction Materials, LP, in San Antonio, for the unit prices bid.

It is my recommendation to award the annual contract to Vulcan Construction Materials, LP, for the unit prices bid and that the Mayor is authorized to execute a contract on behalf of the City Commission.

Thank you

ALTERNATIVES CONSIDERED

Fiscal Impact

Attachments

Link:

Res

08-053

Link:

Exhibit A

RESOLUTION NO. 08-053

A RESOLUTION AWARDED A BID AND AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH VULCAN CONSTRUCTION MATERIALS, LP FOR THE ANNUAL PURCHASE OF SURFACE TREATMENT ROCK, BASALT ROCK AND LIMESTONE; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

WHEREAS, on June 18, 2008, bids were opened for the annual purchase and delivery of Surface Treatment Rock, Basalt and Limestone, Bid No. 2008-911; and

WHEREAS, the lowest bid meeting specifications for Surface Treatment Rock, Basalt Rock and Limestone Rock was Vulcan Construction Materials, LP, as set out in the attached Exhibit "A".

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF TEXAS CITY, TEXAS:

SECTION 1: That the successful bidder for the annual purchase and delivery of Surface Treatment Rock, Basalt Rock and Limestone is Vulcan Construction Materials LP.

SECTION 2: That the Mayor is hereby authorized to enter into an agreement with Vulcan Construction Materials LP for the annual purchase and delivery of Surface Treatment Rock, Basalt Rock and Limestone, as described and priced in Exhibit "A" attached hereto and made a part hereof for all intents and purposes.

SECTION 3: That this Resolution shall be in full force and effect from and after its passage and adoption.

PASSED AND ADOPTED this 16th day of July, 2008.

Matthew T. Doyle, Mayor
City of Texas City, Texas

ATTEST:

Pamela A. Lawrence
City Secretary

APPROVED AS TO FORM:

Robert Gervais
City Attorney

BID TABULATION**Bid #2008-911****Surface Treatment, Rock, Basalt and
Limestone Annual Contract**

Bid Opening: Wednesday, June 18, 2008 @ 2:00 p.m.

SURFACE TREATMENT ROCK

Description	App. QTY	Vulcan Construction Materials, LP	Gulf Coast Limestone	Current contract price
Surface Treatment Rock Type PB Grade 3	25 tons	\$48.00	No bid	\$45.75
Surface Treatment Rock Type PB Grade 4	25 tons	\$48.00	No bid	\$45.75
Surface Treatment Rock Type PB Grade 5	25 tons	\$48.00	No bid	\$45.75

BASALT ROCK

Description	App. QTY	Vulcan Construction Materials, LP	Gulf Coast Limestone	Current contract price
Basalt Rock Type B Grade 3	600 tons	\$51.00	No bid	\$45.75
Basalt Rock Type B Grade 4	50 tons	\$51.00	No bid	\$45.75
Basalt Rock Type B Grade 5	600 tons	\$51.00	No bid	\$45.75

LIMESTONE ROCK

Description	App. QTY	Vulcan Construction Materials, LP	Gulf Coast Limestone	Current contract price
Limestone Rock Type B Grade 3	500 tons	No bid	No bid	\$28.99
Limestone Rock Type B Grade 4	50 tons	No bid	No bid	\$31.99
Limestone Rock Type B Grade 5	50 tons	No bid	No bid	\$31.99

LIMESTONE ROCK – TYPE CC COLD MIX

Description	App. QTY	Vulcan Construction Materials, LP	Gulf Coast Limestone	Current contract price
Limestone Rock Type CC cold mix	1000 tons	\$62.00	No bid	\$50.25

**Resolution to update signatures for accounts held at Texas First Bank.
CITY COMMISSION AGENDA 2**

Date: 07/16/2008
Submitted By: Cheryl Hunter, Finance
Submitted For: Cheryl Hunter
Department: Finance
Agenda Area: Consent

Information

ACTION REQUEST (Brief Summary)

A resolution is needed to update the signatory's on account held at Texas First Bank.

BACKGROUND

The city's bank accounts held at Texas First Bank need to have updated signatures to reflect the changes (additions) in the City's Finance department. The accounts are #11027896-City of Texas City Finance Clearing, #11028696-City of Texas City-Checking, #11031203-City of Texas City-Checking and #11686386-City of Texas City-Savings.

The signatory's are as follows:

Matthew T. Doyle, Mayor

Cheryl T. Hunter, Director of Finance

Trudy Trochesset, Controller

ANALYSIS

ALTERNATIVES CONSIDERED

Fiscal Impact

Attachments

Link:
Res
08-052

RESOLUTION NO. 08-052

A RESOLUTION UPDATING THE SIGNATURE CARDS DESIGNATING CITY OFFICIALS AS SIGNATORIES AT TEXAS FIRST BANK FOR THE CITY'S BANK ACCOUNTS; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

WHEREAS, the City of Texas City, Texas, need to update the City's signature cards designating city officials to be signatories at Texas First Bank for the City's Bank accounts; and,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF TEXAS CITY, TEXAS:

SECTION 1: That the City Commission hereby approves the following changes to the signature cards designating city officials as authorized signatories at Texas First Bank for the following City bank accounts: #11027806 – City of Texas City Finance Clearing; #11028696 – City of Texas City Checking; #11031203 – City of Texas City – Checking; and #11686386 – City of Texas City - Savings:

1. Matthew T. Doyle, Mayor
2. Cheryl T. Hunter, Director of Finance
3. Trudy Trochesset, Controller

SECTION 2: That the City Commission hereby authorizes the execution of any documentation necessary to implement said authorized changes of signatories on the City's bank accounts at Texas First Bank.

SECTION 3: That this Resolution shall be in full force and effect from and after its passage and adoption.

PASSED AND ADOPTED this 16th day of July, 2008.

Matthew T. Doyle, Mayor
City of Texas City, Texas

ATTEST:

APPROVED AS TO FORM:

Pamela Lawrence
City Secretary

Robert Gervais
City Attorney

5.d.

**Resolution to update signatures for account held at Regions Bank.
CITY COMMISSION AGENDA 2**

Date: 07/16/2008
Submitted By: Cheryl Hunter, Finance
Submitted For: Cheryl Hunter
Department: Finance
Agenda Area: Consent

Information

ACTION REQUEST (Brief Summary)

A resolution is needed to update the signatory's on accounts held at Regions Bank.

BACKGROUND

The city's bank account held at Regions Bank need to have updated signatures to reflect the changes (additions) in the City's Finance department. The account is #0071010180-City of Texas City.

The signatory's are as follows:

Matthew T. Doyle, Mayor

Cheryl T. Hunter, Director of Finance

Trudy Trochesset, Controller

ANALYSIS

ALTERNATIVES CONSIDERED

Fiscal Impact

Attachments

Link:
Res
08-054

RESOLUTION NO. 08-054

A RESOLUTION UPDATING THE SIGNATURE CARDS DESIGNATING CITY OFFICIALS AS SIGNATORIES AT REGIONS BANK FOR THE CITY'S BANK ACCOUNT; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

WHEREAS, the City of Texas City, Texas, need to update the City's signature cards designating city officials to be signatories at Regions Bank for the City's Bank account; and,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF TEXAS CITY, TEXAS:

SECTION 1: That the City Commission hereby approves the following changes to the signature cards designating city officials as authorized signatories at Regions Bank for Account No. 0071010180 – City of Texas City:

1. Matthew T. Doyle, Mayor
2. Cheryl T. Hunter, Director of Finance
3. Trudy Trochesset, Controller

SECTION 2: That the City Commission hereby authorizes the execution of any documentation necessary to implement said authorized changes of signatories on the City's bank account at Regions Bank.

SECTION 3: That this Resolution shall be in full force and effect from and after its passage and adoption.

PASSED AND ADOPTED this 16th day of July, 2008.

Matthew T. Doyle, Mayor
City of Texas City, Texas

ATTEST:

APPROVED AS TO FORM:

Pamela Lawrence
City Secretary

Robert Gervais
City Attorney

4-way Stop Sign 5th Ave S CITY COMMISSION AGENDA 2

Date: 07/16/2008
Submitted By: Edna Patterson, Transportation and Planning
Submitted For: Doug Kneupper
Department: Transportation and Planning
Agenda Area: Consent

Information

ACTION REQUEST (Brief Summary)

Consider approval of **Resolution No. 08-055** placing a 4-way stop signs at 25th Street (Logan)/5th Avenue South Intersection and 21st Street and 5th Avenue South Intersection.

BACKGROUND

BACKGROUND:

Currently a 2-way stop at these two intersections. Commission passed Resolution #02-120 on September 4, 2002 for a temporary 4-way stop at 25th Street and 5th Avenue South while Bp completed a construction project.

ANALYSIS

Two additional signs requested – traffic flow has increased in this area due to construction and work traffic. A Stop Sign Warrant Study for the 2 locations on 5th Avenue South were prepared and provided by Bp. Based on the accident history and the Average 8-hour Traffic Volumes, multi-way (4-way) stop control is warranted for both locations. If approved Bp would authorize the stop sign installation in accordance with City guidelines.

ALTERNATIVES CONSIDERED

Fiscal Impact

Attachments

Link: [Res 08-055](#)

Link: [Res#02-120](#)

Link: [5AveS](#)

Form Routing/Status

Route Seq	Inbox	Approved By	Date	Status
		Edna Patterson	07/09/2008 03:12 PM	CREATED
1	Transportation and Planning	Doug Kneupper	07/09/2008 04:40 PM	APRV
2	Finance	Susan Sensat	07/11/2008 09:11 AM	APRV

3	Paralegal	Linda Jennings	07/11/2008 10:00 AM	APRV
4	City Attorney Office	Linda Jennings	07/11/2008 10:08 AM	APRV
5	Mayor			NEW
6	City Secretary			

Form Started By: Edna Patterson

Started On: 07/09/2008 03:12 PM

RESOLUTION NO. 08-055

A RESOLUTION APPROVING THE INSTALLATION OF FOUR-WAY STOP SIGNS AT THE INTERSECTION OF 25th STREET (LOGAN) AND 5th AVENUE SOUTH AND AT THE INTERSECTION OF 21ST STREET AND 5TH AVENUE SOUTH, BY PLACING STOP SIGNS AT EACH CORNER; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

WHEREAS, BP has prepared and provided a Stop Sign Warrant Study for two locations, based on the accident history and the average 8-hour traffic volume showing that four-way stop controls are warranted for the locations of 25th Street and 5th Avenue South and 21st Street and 5th Avenue South; and,

WHEREAS, the Commission passed Resolution #02-120, September 4, 2002, for a temporary four-way stop at the 25th Street and 5th Avenue South location while BP completed a construction project

WHEREAS, The City's Engineer recommends it is in the best interest of the City to install four-way stop signs at these two intersections.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF TEXAS CITY, TEXAS:

SECTION 1: That the Mayor, City Commission and the City's Engineer hereby approve the installation of four-way stops at the intersections of 25th Street (Logan) and 5th Avenue South and 21st Street and 5th Avenue South, because of accident history and high volumes of traffic.

SECTION 2: That the City Secretary is hereby directed to notify all appropriate emergency and non-emergency agencies of the City.

SECTION 3: That BP will authorize the installation of the stop signs in accordance with City guidelines.

SECTION 4: That the City Secretary is hereby directed to notify all appropriate emergency and non-emergency agencies of the City.

SECTION 5: That this Resolution shall be in full force and effect from and after its passage and adoption.

PASSED AND ADOPTED this 16th day of July, 2008.

Matthew T. Doyle, Mayor
City of Texas City, Texas

ATTEST:

APPROVED AS TO FORM:

Pamela Lawrence
City Secretary

Robert Gervais
City Attorney

RESOLUTION NO. 02-120

ORIGINAL

A RESOLUTION APPROVING THE INSTALLATION OF A FOUR (4) WAY STOP AT THE INTERSECTION OF 25TH STREET (LOGAN) AND 5TH AVENUE SOUTH BY PLACING STOP SIGNS AT EACH CORNER; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

WHEREAS, BP Amoco is requesting to have temporary stop signs placed at the intersection of 25th Street (Logan) and 5th Avenue South for approximately four months due to the increased volumes of traffic caused by their construction project at this location; and,

WHEREAS, the City Engineer recommends it in the best interest of the City to install a temporary four (4) way stop at the intersection of 25th Street (Logan) and 5th Avenue South until construction is complete.

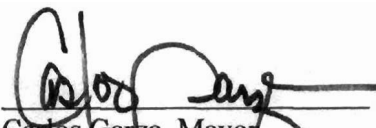
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF TEXAS CITY, TEXAS:

SECTION 1: That the City Commission of the City of Texas City hereby approves the installation of a temporary four (4) way stop at the intersection of 25th Street (Logan) and 5th Avenue South, until construction is completed, to accommodate the increased volumes of traffic caused by the BP Amoco construction project.

SECTION 2: That the City Secretary is hereby directed to notify all appropriate emergency and non-emergency agencies of the City.

SECTION 3: That this Resolution shall be in full force and effect from and after its passage and adoption.

PASSED AND ADOPTED this 4th day of September, 2002.

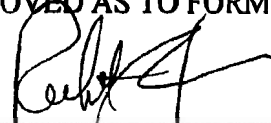

Carlos Garza, Mayor
City of Texas City, Texas

ATTEST:

A handwritten signature in cursive script, reading "Pamela A. Lawrence".

Pamela A. Lawrence
City Secretary

APPROVED AS TO FORM:

A handwritten signature in cursive script, reading "Robert Gervais".

Robert Gervais
City Attorney



Appoint Board Members for the Housing Authority CITY COMMISSION AGENDA 2

Date: 07/16/2008

Submitted By: Susan Sensat, Administration

Submitted For: George Fuller

Department: Community Development, Housing Autho

Agenda Area: Consent

Information

ACTION REQUEST (Brief Summary)

Consider approval of **Resolution No. 08-056** re-appointing **Jane Baucum** to the **Board of Commissioners for the Housing Authority** and replacing Randy Pearson with **Ms. Oversia Gilbert** as Resident Board Member for the Board of Commissioners for the Housing Authority.

BACKGROUND

Request by Executive Director of the Housing Authority. Jane Baucum appointment expired 10/1/07. Randy Pearson vacated his position in October 2006.

ANALYSIS

ALTERNATIVES CONSIDERED

Fiscal Impact

Attachments

Link:

Res
08-056

Link:
6/13/08
letter

RESOLUTION NO. 08-056

A RESOLUTION APPROVING THE APPOINTMENT AND REAPPOINTMENT OF BOARD MEMBERS TO THE BOARD OF COMMISSIONERS FOR THE HOUSING AUTHORITY OF THE CITY OF TEXAS CITY; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

WHEREAS, the Housing Authority requests that Jane Baucum be re-appointed to the Board of Commissioners effective for the period ending October 1, 2010; and

WHEREAS, Randy Pearson vacated his position as Resident Board Member of the Housing Authority in October 2006;

WHEREAS, the Housing Authority requests the appointment of Oversia Gilbert as Resident Board Member for the period ending October 1, 2010, in the position vacated by Randy Pearson; and

WHEREAS, these appointments are necessary in order to continue the uninterrupted and efficient operation of the City of Texas City Housing Authority.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF TEXAS CITY, TEXAS:

SECTION 1: That the City Commission of the City of Texas City, Texas, hereby reappoints Jane Baucum to the Board of Commissioners for the Housing Authority of the City of Texas City, for the period ending October 1, 2010; and

SECTION 2: That the City Commission of the City of Texas City, Texas, hereby appoints Oversia Gilbert as Resident Board Member of the Board of Commissioners for the Housing Authority of the City of Texas City, for the period ending October 1, 2010, to replace the position vacated by Randy Pearson.

SECTION 2: That this Resolution shall be in full force and effect from and after its passage and adoption.

PASSED AND ADOPTED this 16th day of July, 2008.

Matthew T. Doyle, Mayor
City of Texas City, Texas

ATTEST:

APPROVED AS TO FORM:

Pamela A. Lawrence
City Secretary

Robert Gervais
City Attorney

HOUSING AUTHORITY OF THE CITY OF TEXAS CITY

817 Second Avenue North
Texas City, Texas 77590

Phone (409) 945-4011
Fax (409) 943-4525

June 13, 2008

The Honorable Mayor Matthew T. Doyle
Mayor of the City of Texas City
1801 Ninth Avenue North
Texas City, Texas 77590

Dear Mayor Doyle:

The Housing Authority of the City of Texas City would like to request that Mrs. Jane Baucum be re-appointed to the Board of Commissioners for the Housing Authority of the City of Texas City. Her appointment expired on October 1, 2007.

Also, The Housing Authority of the City of Texas City would like to request that a replacement for Randy Pearson, Resident Board Member be appointed. This position has been vacant since October 2006. We would like to recommend Ms. Oversia Gilbert be considered for the Resident position on the Board of Commissioners for the Housing Authority of the City of Texas City.

Should you have any questions or need further information, please contact our office.

Respectfully,



George Fuller
Executive Director

Award Bid Sander/Vincent Community Center CITY COMMISSION AGENDA 2

Date: 07/16/2008
Submitted By: Susan Sensat, Administration
Submitted For: Tommy Maris
Department: Public Works
Agenda Area: Consent

Information

ACTION REQUEST (Brief Summary)

Approve and award **Resolution No. 08-057**, for **Sander/Vincent Community Center**. Funds are available from the Texas City Economic Development Corporation.

BACKGROUND

On June 26, 2008 nine packets were obtained of the drawings and specification for the project, of which six proposals were submitted.

ANALYSIS

Based on a review of the submitted proposals and evaluations of proposals and the published criteria in Section AB of the specifications, Bay Architects recommends the project be awarded to J W Kelso Construction in the sum of \$3,447,000.00.

ALTERNATIVES CONSIDERED

Fiscal Impact

Attachments

Link: [Res
08-057](#)
Link: [7-9-08 letter](#)
Link: [Bid
Tabulation](#)

RESOLUTION NO. 08-057

A RESOLUTION AWARDING A CONSTRUCTION CONTRACT AND AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH J. W. KELSO CONSTRUCTION FOR THE BASE PROPOSAL AND ACCEPTANCE OF ALTERNATE NO. 1 FOR BAY PROJECT NO. 0801 (SANDERS/VINCENT COMMUNITY CENTER); AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

WHEREAS, funds are available in the Texas City Economic Development Corporation and in the General Fund for the contract to build the Sanders/Vincent Community Center; and

WHEREAS, on June 26, 2008, nine (9) packets were obtained of the drawings and specifications for the project, of which six proposals were submitted; and

WHEREAS, Bay Architects, based on a review of the submitted proposals and evaluation of the proposal and the published criteria in Section AB of the Specifications, recommends that the City of Texas City award the construction contract to J. W. Kelso Construction, in the sum of \$3,447,000.00.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF TEXAS CITY, TEXAS:

SECTION 1: That the successful bidder for the Sanders/Vincent Community Center is J. W. Kelso Construction.

SECTION 2: That the Mayor is hereby authorized to enter into a contract with J. W. Kelso Construction for the Sanders/Vincent Community Center for the bid amount of \$3,447,000.00, as shown on the attached Tabulation Form. This award includes the Base Proposal and the acceptance of Alternate No. 1.

SECTION 3: That the Mayor is hereby authorized to approve change orders, not to exceed 25% (twenty-five percent) of the contract amount, without bringing the matter before the Commission.

SECTION 4: That this Resolution shall be in full force and effect from and after its passage and adoption.

PASSED AND ADOPTED this 16th day of July, 2008.

Matthew T. Doyle, Mayor
City of Texas City, Texas

ATTEST:

Pamela A. Lawrence
City Secretary

APPROVED AS TO FORM:

Robert Gervais
City Attorney



BAY ARCHITECTS

CALVIN E. POWITZKY, JR.
MARK R. FRENCH
BLAIR HAMILTON
PATRICK ZADOW

July 9, 2008

Tommy Maris
City of Texas City
Public Works Department
304 6th Street North, 2nd Floor
Post Office Drawer 2608
Texas City, Texas 77592-2608

RE: Contract Award Recommendation
Sanders/Vincent Community Center
City of Texas City
Bay Project No.: 0801

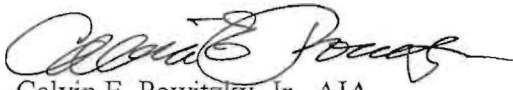
Dear Mr. Maris:

On Thursday, June 26, 2008, Competitive Sealed Proposals were received for the above referenced project. Nine (9) General Contractors obtained the drawings and specifications, of which, six (6) submitted proposals.

Based on a review of the submitted proposals and evaluation of the proposals based on the published criteria in Section AB of the Specifications, Bay Architects, Inc. hereby recommends that the City of Texas City award the construction contract to J.W. Kelso Construction, in the sum of three million four hundred forty - seven thousand dollars (\$3,447,000.⁰⁰). This award includes the Base Proposal and the acceptance of Alternate No.1.

If you have any questions or need further information, please contact our office.

Sincerely,



Calvin E. Powitzky, Jr., AIA

C: Danny Brewster, Bay
File 3A
P:\08\0801\div3\3A Corr Before Award\Ltr Recomend 2008 07-09.doc

PROPOSAL TABULATION FORM
Texas City Sanders/Vincent Community Center
City of Texas City
 Bay Project No. 0801
 Proposal Date: Thursday June 26, 2008 at 2:00pm & 3:00pm

Accept		Holliday	J.W. Kelso	Jamail	Meridian	State	Williams
	Proposal Bond (Section AD)						
Y	Base Proposal	\$3,684,000.00	\$3,447,000.00	\$3,712,992.00	\$4,013,000.00	\$3,645,000.00	\$3,852,000.00
y	Addenda Acknowledged 1,2,3,4						
	Alt. 1 Photovoltaic Power Installation	\$515,000.00	\$689,000.00	\$654,000.00	\$606,000.00	\$796,000.00	\$680,000.00
y	Alt. 2 Guaranteed Completion	\$150,000.00	\$0.00	\$30,000.00	\$25,000.00	\$10,000.00	(\$50,000.00)
	Unit Cost 1 - Electrical Duplex Outlet	\$150.00	\$165.00	\$150.00	\$125.00	\$240.00	\$375.00
	Unit Cost 2 - Electrical Light Weight Deck Repair	\$50.00	\$8.00	\$7.50	\$75.00	\$6.00	\$10.00
	Unit Cost 3A - 2x4 Wood Nailers	\$2.00	\$7.00	\$2.54	\$17.00	\$2.50	\$5.00
	Unit Cost 3B - 2x6 Wood Nailers	\$3.00	\$13.00	\$3.39	\$18.00	\$3.00	\$6.00
	Unit Cost 3C - 2x8 Wood Nailers	\$4.00	\$20.00	\$4.24	\$19.00	\$3.50	\$7.00
	Unit Cost 3D - 2x10 Wood Nailers	\$5.00	\$28.00	\$5.09	\$20.00	\$4.00	\$8.00
	Unit Price 4 - 4" Thick Concrete Sidewalk	\$4.50	\$6.00	\$7.00	\$5.50	\$3.50	\$4.50
	Unit Price 5A - Add One 35 Lb Bag	\$65.00	\$45.00		\$45.00	\$45.00	\$50.00
	Unit Price 5B - Delete One 35 Lb Bag	\$65.00	\$45.00		\$38.00	\$40.00	\$35.00
	Unit Price 6A - 4" Galvanized Replaced With 4" Copper	\$10.00	\$56.00	\$80.00	\$70.25	\$82.00	\$95.00
	Unit Price 6B - 3"Galvanized Replaced With 3" Copper	\$8.00	\$37.00	\$50.00	\$44.75	\$52.00	\$70.00
	Unit Price 6C - 2-1/2" Galvanized Replaced With 2-1/2" Copper	\$7.00	\$32.00	\$39.00	\$34.25	\$40.00	\$60.00
	Unit Price 6D - 2" Galvanized Repaced With 2" Copper	\$5.00	\$24.00	\$27.00	\$23.75	\$28.00	\$49.00
y	Felony Convection Notifications (Section AE)						
y	Affidavit of Non-Discriminatory Employment (Section AF)						
y	Affidavit of Non-Discriminatory Employment (Section AG)						
y	Proposal Evaluation Waiver (Section AL)						
y	Conflict of Interest (Section AM)						
y	Contractor's Personnel and Safety Record (Section AN)						
	PROPOSAL TOTAL INCLUDING ALT. #'s ,	\$3,834,000.00	\$3,447,000.00	\$3,742,992.00	\$4,038,000.00	\$3,655,000.00	\$3,802,000.00
	RANKING #1 is recommended proposer						

Pipeline Setbacks - ADDING SECTION 40-67 (h)Setbacks from pipelines CITY COMMISSION AGENDA 2

Date: 07/16/2008

Submitted By: Julie Morreale, Planning

Submitted For: Don Carroll

Department: Planning

Agenda Area: Regular Items

Information

ACTION REQUEST (Brief Summary)

Request approval of the addition of SECTION 40-67 (h)Setbacks from pipelines.

PROPOSED ZONING ORDINANCE

AMENDMENTS - PUBLIC HEARING

ADDING SECTION 40-67 (h)Setbacks from pipelines

Section 40-67 (h) Change to: To provide adequate protection in all districts zoned for residential uses, a minimum setback of 25 feet of all buildings from any underground, high-pressure, gas pipeline easement or any other hazardous pipeline is required. When deemed necessary, the City Commission may request additional setbacks.

BACKGROUND

Planning Board members and the Zoning Commission unanimously voted to recommend approval of this request. Please reference the attached minutes. It is now ready to go before the City Commission for final approval.

ANALYSIS

ALTERNATIVES CONSIDERED

Fiscal Impact

Attachments

Link: [Ord.
No. 08-31](#)

Link: [pbmin4/7](#)

Link: [pbmin5/5](#)

Link: [ccmemo](#)

Link: [ph
not pipe](#)

Link: [zcmin6/3](#)

ORDINANCE NO. 08-31

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF TEXAS CITY, CHAPTER 40 (ZONING ORDINANCE), BY AMENDING SECTION 40-67(h), "SETBACK FROM PIPELINES"; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT THEREWITH; PROVIDING A SEVERABILITY CLAUSE; DISPENSING WITH THE REQUIREMENT FOR READING THIS ORDINANCE ON THREE (3) SEPARATE DAYS; AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION AND PUBLICATION BY CAPTION ONLY IN THE OFFICIAL NEWSPAPER OF THE CITY.

WHEREAS, the City of Texas City, Texas, is a home-rule city; and,

WHEREAS, the City of Texas City, Texas, seeks to amend The Code of Ordinances of the City of Texas City (Zoning Ordinance), Chapter 40 by amending Section 40-67(h), "Setback from Pipelines"; and

WHEREAS, the Planning Board members and the Zoning Commission members, after holding a public hearing on June 3, 2008, unanimously voted to recommend the amendment of Section 40-67(h), Setback from Pipelines.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF TEXAS CITY, TEXAS:

SECTION 1: That **The Code of Ordinances of the City of Texas City, Texas**, Chapter 40, is amended by amending Section 40-67(h) to read and provide as follows:

"Sec. 40-67. Front, side, and rear yard regulations and exceptions.

(h) To provide adequate protection in all districts zoned for residential uses, a minimum setback of ~~60~~ 25 feet of all buildings and accessory buildings from any underground, high-pressure, gas pipeline easement or any other hazardous pipeline is required. When deemed necessary, the city commission may request additional setbacks. The only exception will be one storage building not exceeding 225 square feet in floor area or 12 feet in height will be allowed in the ~~60~~ 25' setback area. Foundations for storage buildings will be constructed on a treated wood foundation and not on concrete. Storage buildings are not classified as permanent accessory buildings."

SECTION 2: It is hereby declared to be the intention of the City Commission that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable.

SECTION 3: That it is further provided that, in the event any section, clause, sentence, paragraph or part of this Ordinance shall be for any reason adjudged by any court of competent jurisdiction to be invalid, such invalidity shall not affect, invalidate, or impair the remainder of this Ordinance.

SECTION 4: That all ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 5: That the Charter requirement for reading this Ordinance on three (3) separate days has been dispensed by a majority vote of all members of the City Commission.

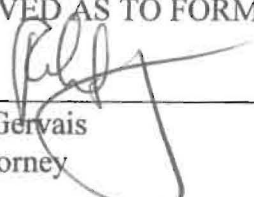
SECTION 6: That the City Secretary is hereby directed, in accordance with Article III of the City Charter, to publish this ordinance, by caption only, in one issue of the official paper, and obtain proof of such publication made by the printer or publisher of such paper. An affidavit made by said printer or publisher before some officer authorized by law to administer oaths, and filed with the person performing the duties of city secretary shall be prima facie evidence of such publication and promulgation of such ordinance in courts of the state. The ordinance so published shall take effect, and be in force, from and after ten days after publication thereof, unless otherwise expressly provided.

PASSED AND ADOPTED this 16th day of July, 2008.

Matthew T. Doyle, Mayor
City of Texas City, Texas

ATTEST:

Pamela A. Lawrence
City Secretary

APPROVED AS TO FORM:


Robert Gervais
City Attorney

APPROVAL OF MINUTES

On Monday, April 7, 2008 at 5:00 p.m. the Planning Board met in a regularly scheduled meeting. Board members present were: Eloise O'Bryant, Jose Boix, Harold Fattig, Mayor Doyle, Commissioner Haney and Dickie Campbell. Staff members present were: Brian Falk, Doug Kneupper and Julie Morreale. Citizens present were: Ginger Thornton, Matt Lyle, Father Tom Ponzini, Dan Rolstad, Brooks Bradford and Bob Patel.

APPROVAL OF MINUTES. A motion to approve the minutes of March 17, 2008 was made by Jose Boix/Dickie Campbell. All members present voted aye. Mrs. Eloise O'Bryant presided over the meeting. The chairperson indicated a quorum was present and called the meeting to order.

ITEM NO. 1. St. Mary's Church request approval for an extension of a permit for temporary classrooms located at Fatima School. (Action) Father Tom Ponzini requests an extension for the temporary building located at Fatima School. He stated that the church is working toward permanent buildings and developing the property. Mr. Brian Falk, Building Official, recommended an inspection of the temporary buildings to ensure their safety be added as a stipulation if the extension is granted. **A motion to approve the one year extension with the inspection stipulation was made by Dickie Campbell/Jose Boix. All members present voted aye.**

ITEM NO. 2. Staff report/recommendation regarding allowable Zoning District Uses within the Business Growth Industrial Area (Land Use Designation) (Non Action) Mr. Doug Kneupper stated the City Planner, Donald Carroll, has had some proposals for the area listed as Business Growth Industrial Area. Due to the terminology listed it eludes to a Light Industrial Use and this type of business does not seem to be the vision of the Board. He further stated this item could be tabled and brought back to the Board at a later date with more of a presentation for possible changes to the description. Mr. Boix asked if the Business Growth Industrial Area would be better zoned under another listing. Mr. Kneupper stated that just changing the description should be sufficient. After a brief discussion, the Board recommended tabling this item for two weeks and bringing it back at the next meeting.

ITEM NO. 3. Shell Pipeline presentation and request for approval of pipeline alignment (site plan). (Action) Mrs. Ginger Thornton represented Shell Pipeline addressed the board and stated Shell is working on the route for a pipeline from the Deer Park area into Texas City. This pipeline would be for a dry gas product. She further stated this project originated in 2004, but due to economical reasons was put on hold. She stated this project is now ready to move forward; however, some changes have been made from the original route due to the amount of pipelines currently in that corridor. The proposed route has five areas that have structures closer than 60 feet to the proposed pipeline. Commissioner Haney requested the diameter of the pipe and what it is made of. Mrs. Thornton stated it is 12 inches and is a steel pipe. Commissioner Haney then asked approximately how long the segments of pipes will be before each weld. Mr. Matt Lyle stated it will be forty foot segments of pipe before each weld. Mayor Doyle stated that once a pipeline is laid it becomes a pipeline corridor and this is a topic

that needs more discussion. Mayor Doyle asked what the Railroad Commission setback is. Mr. Brian Falk stated that information was not on hand. Mayor Doyle requested the information be brought to the Board. Mayor Doyle stated this topic needs more information and asked if an answer can be given regarding the variance in two weeks. After a brief discussion, **a motion was made by Jose Boix/Mayor Doyle to table this item for two weeks. All members present voted aye.**

ITEM NO. 4 Other Business

-Chufos Tire Shop request consideration for addition to existing building (wish to expand metal building located in the Gateway Corridor) Mr. Doug Kneupper stated that this item was decided by himself and the Building Official, Mr. Brian Falk, to have the addition meet the current masonry ordinance.

-Bob Fahey a request consideration an alternative material for building facade for a pending project along Hwy 146. Mr. Doug Kneupper stated that in the Gateway Corridor there is a provision of 300 feet and would like clarification if the development if it is further than 300 feet back. What would be the best way to comply with the masonry ordinance. Mayor Doyle stated that if it can be seen then, the building must comply. Mr. Falk stated that structure rock has been brought to the attention of Mr. Fahey. A discussion regarding the project site plan and visibility from the roadway occurred. Mayor Doyle stated that attaching the new building to the existing building could make it less visible. He further stated using a type of structure rock and, adding landscaping and/or fencing would improve the appearance of the property.

There being no further business, a motion was made to adjourn by Jose Boix/Harold Fattig. All members present voted aye.

Eloise O'Bryant, Chairperson

Doug Kneupper, Acting Secretary

APPROVAL OF MINUTES

On Monday, May 5, 2008 at 5:00 p.m. the Planning Board met in a regularly scheduled meeting. Board members present were: Eloise O'Bryant, Dickie Campbell, Harold Fattig, Jose Boix and Commissioner Haney. Staff members present were: Brian Falk, Doug Kneupper, Don Carroll and Julie Morreale. Citizens present were: Dan Rolstad, Matt Lyle and Geoff Sanders.

APPROVAL OF MINUTES. A motion to approve the minutes of April 21, 2008 was made by Commissioner Haney/Dickie Campbell. All members present voted aye. Mrs. Eloise O'Bryant presided over the meeting. The chairperson indicated a quorum was present and called the meeting to order.

ITEM NO. 1. Staff report/recommendation regarding Pipeline Setbacks. (Action) Mr. Doug Kneupper provided recommendations (attached) by Staff to the Board regarding the pipeline setback. After a brief discussion regarding the pipeline setbacks **a motion to approve the staff recommended pipeline setback ordinance change was made by Harold Fattig/Jose Boix. All members present voted aye.**

ITEM NO. 2. Shell Pipeline presentation and request for approval of pipeline alignment (site plan). (Action) The Board requested if new information was being presented. Mr. Carroll stated that this was the same overview presented to the Board on April 7, 2008. After a brief discussion **a motion to approve the site plan with the contingency of approval of the new pipeline setback by the City Commission and by approval of Mayor Doyle was made by Harold Fattig/Jose Boix. All members present voted aye.**

ITEM NO. 3 Other Business

-Staff discussion regarding allowable zoning district uses within the Business Growth Industrial Area (Land Use Designation). (Non Action) Mr. Carroll provided recommendations and photographs (attached) by Staff to the Board regarding the Business Light Industrial Growth Area. Mr. Carroll presented photographs of the current conditions on Highway 146 and FM 1764. He further presented photographs of areas of LaPorte that are similar to Texas City's business light industrial areas. Mr. Carroll proposes that "F", "F-1" and "Planned Industrial" adhere to the Brick Masonry Provision. Mr. Campbell requested the ordinance information for LaPorte. Specifically does the City of LaPorte (where the Distribution Center pictures were taken) require their Light Industrial Zoning District to adhere to the masonry brick provisions of their Zoning Ordinance? Mr. Carroll stated research and benchmark surveys would be conducted and presented back to the Board.

Commissioner Haney requested more information on Kelly Industries on Highway 146 and if they are meeting allowed standards regarding items outside of the business considering possible damages that could occur with storm situations.

There being no further business, a motion was made to adjourn by Jose Boix/Harold

Fattig. All members present voted aye.

Eloise O'Bryant, Chairperson

Donald Carroll, Secretary

Memo

To: City Commission
From: Doug Kneupper, City Engineer
CC:
Date: 7/16/2008
Re: Pipeline Setbacks

During the April 7th meeting, discussion arose regarding setback or separation distances between pipelines and residential properties. Shell Pipeline Company has proposed to install a gas pipeline with a 43' setback in some locations. Currently, the zoning ordinance requires a 60' setback between pipelines and residences. Staff has researched other cities for similar setback requirements and found that several cities do not have any pipeline/building separation stipulations. The cities that do have setback information are as follows:

Deer Park – 16' setback

Friendswood – 50' setback

Santa Fe – 16' setback

Webster – 16' setback

Neither the Texas Railroad Commission nor the Federal DOT has any published setback requirements for gas pipelines. For liquid pipelines there is a 50' separation that can be eliminated if the pipeline is buried at least 4'.

After considering all the above information, staff recommends maintaining a 25' setback between pipelines and residentially zoned property. Basically, the 25' is a combination of the 20' rear setback required in single-family residential areas and a 5' construction buffer between a pipeline trench and the boundary of a property or corridor.

With the Planning Board's concurrence, staff will move forward with an amendment to the zoning ordinance stipulating a 25' setback between pipelines and buildings in residential zoning districts.

NOTICE OF PUBLIC HEARING

Notice is hereby given that a Public Hearing will be held before the Texas City Zoning Commission at 5:15 p.m. on Tuesday, June 3, 2008 in the Conference Room at City Hall Annex, 928 - 5th Avenue North. The purpose of the Public Hearing is to hear citizens' opinion in favor of or in opposition to the City of Texas City rezoning requests.

PROPOSED ZONING ORDINANCE AMENDMENTS - PUBLIC HEARING ADDING SECTION 40-67 (h)Setbacks from pipelines

Section 40-67 (h) Change to: To provide adequate protection in all districts zoned for residential uses, a minimum setback of 25 feet of all buildings from any underground, high-pressure, gas pipeline easement or any other hazardous pipeline is required. When deemed necessary, the City Commission may request additional setbacks.

Any citizen wishing to voice his opinion in favor of or in opposition to the above change is invited to be present and will be heard. If you are opposed to the proposed rezoning you must submit valid reasons for opposition in writing to the Zoning Commission of Texas City, P.O. Drawer 2608, Texas City TX 77592-2608. Written comments will be accepted and considered on or before the date of the Public Hearing. After hearing the rezoning request, you may withdraw your opposition should your objections be satisfied. Your withdrawal should be in writing to the Zoning Commission.

Respectfully,

Donald R. Carroll
City Planner

DRC:jm
DATED: May 6, 2008

ZONING COMMISSION MINUTES

June 3, 2008

The Zoning Commission for the City of Texas City met in a regularly scheduled meeting on Tuesday, June 3, 2008 at 5:15 p.m. Board members present were: Acting Chairman James Horan, Bert Dahl, Perry O'Brien and Yvonne Chatelain. Staff members present were: Don Carroll, Brian Falk, Doug Kneupper and Julie Morreale. Citizens present were: Delia Molina, Nick Stepchinski, Christy Stepchinski, Sandra Spung, Debra Roberts and Gurdev Singh.

Acting Chairman Horan welcomed everyone and explained the procedure for the Public Hearings.

APPROVAL OF MINUTES. The minutes from the May 20, 2008 meeting were approved on a motion by Bert Dahl/Perry O'Brien. All members present voted aye.

ITEM NO. 1 Gurdev Singh requests to rezone from "A-1" (Single Family Residential) to "E-2" (Freeway Commercial) for hotel. Being part of Lot 47, Lot 48, Lot 73, Lot 74; Resubdivision of 1st Subdivision of Highland. Being a part of approximately 20,000 acres. Between I-45 and Noble Road. (Action) Mr. Carroll stated that 13 property owners were notified of the intent to rezone, to date one letter of opposition has been received to the request. Mr. Carroll then read the comments from the various Department Heads. The comments were as follows: Planning Director, "No objections to Land Use intent, it is not in conflict with L.U.P. or Zoning Ordinance. Must meet all performance standards. Must make sure traffic is not routed through the neighborhood." Building Official, "No objections". Fire Marshall, "No objections". Tax Assessor-Collector, "No delinquent city, county or school tax". City Engineer, "No Comment; I support the request". The Public Hearing was then opened on a motion by Bert Dahl/Perry O'Brien. All members present voted aye. Mr. Stepchinski addressed the Commission for Mr. Singh. He presented a conceptual plan, with current pictures of the property (attached). Mr. Stepchinski stated Mr. Singh wants to purchase the property and construct a hotel. Mr. Stepchinski stated that the pictures show where the entrances would be for the hotel and the majority of the ingress/egress would be used from I-45 feeder road with a small percentage on Noble to be able to get to the local restaurants. He further stated everything south of this property is zoned commercial. Mr. Don Carroll asked how many units would be in the hotel. Mr. Singh stated there would be 40 units and it would be two stories. Mrs. Yvonne Chatelain asked what the acreage would be. Mr. Singh stated it would be 1.25 acres and the proposal is a franchise hotel. Mr. Bert Dahl asked what businesses are close to the proposed hotel. Mr. Singh stated there is a Domino's Pizza on the corner of Noble Road. Mr. Perry O'Brien asked what are the planned dimensions of the building. Mr. Stepchinski provided the approximate dimensions of the building with his own property along one side. Mr. O'Brien asked what type of signage would be used. Mr. Stepchinski stated a large sign would be on I-45 and a small sign on Noble Road. Mr. Carroll stated the sign would have to meet the Sign Ordinance requirements. Mr. Horan offered to hear from the citizens present in opposition. Mrs. Delia Molina, representing her son, Jimmy Molina, stated her son mailed in a letter of opposition. She stated that he owns the residential property closest to the property in question and they have concerns about increased traffic, theft, littering, safety and security being next to a hotel. She would like proof of how the property owner plans to address these concerns. Mrs. Sandra Spung stated she owns the third house on the left and stated that is concerned with the increased traffic, pedestrians walking the streets at all hours, concerns of the possible increase in crime. Ms. Debbie Roberts stated that she has documentation of the crime rate presently in the neighborhood due to another small hotel and Jack-N-Box. She further stated she believes another hotel will increase crime and would like to know what the security plan is. Mr. Carroll stated the City Staff stipulations require fencing/screening and landscaping to shield

the surrounding property owners and mediate the concerns. Ms. Roberts asked how long it will take to complete the screening or if it will be in place for the opening of the hotel. Mr. Carroll stated that it is not uncommon to have this type of landscaping completed but at this point this is still a conceptual plan. Mrs. Spung asked if the hotel will have a bar, restaurant or swimming pool on the property. Mr. Singh stated that the hotel would probably have a swimming pool but it would be on the highway side of the property. Ms. Reynolds asked what the measurements of the hotel would be and where the parking will be located. Mr. Singh gave the approximate details using the photographs of the location. Ms. Reynolds presented the Commission with a petition of property owners in the area (attached). She also presented the Commission with a print out of crimes in the area from the local law enforcement (attached). Mrs. Molina suggested the City redirect traffic flow in the area because there is already excess traffic on Noble. Mr. Horan stated that this Commission only looks at the land use and the concerns brought up are very helpful and should be brought to the attention of the City Commission who will make the final decision; however, this Commission has to ensure the property owner is meeting the standards of the zoning in this particular area. Mrs. Molina stated they understand that but they don't want the area rezoned. Mr. Carroll stated all opposition letters will be verified by location and proximity to this property to make sure they are within the 200 feet notification area. If 20% of the land owners around the proposed site are in opposition then the information will be forwarded to the City Commission. Ms. Reynolds asked how many letters were sent out. Mr. Carroll stated the guidelines for rezoning state property owners within 200 feet be notified and a total of 13 property owners were mailed notification. Mr. Richard Hubble stated the residents of the area are upset and feel they have a right to be notified since they also live on Noble Road. Mr. Carroll informed the Citizens present that our required notification process adheres to the State Zoning Enabling Statutes and our Zoning Ordinance. After a brief discussion, **a motion to close the Public Hearing was made by Yvonne Chatelain/Bert Dahl. All members present voted aye.** Mr. Doug Kneupper asked if traffic on Noble Road would be limited. Mr. Don Carroll stated that limited access on Noble Road along with privacy fencing/screening has been recommended for the residential areas. Mr. Horan stated the site plan will still have to come before the Planning Board for final acceptance. Mr. Perry O'Brien stated he would like more information and would like this request to be reviewed by the Planning Board for their input. He further stated this request does seem to comply with the Land Use Plan but feels that traffic seems to already be a problem in that area. He continued to state he would like to have more information to verify if the hotel will actually meet the allowed setbacks. **A motion to recommend the request to be brought before the Planning Board on June 16, 2008 and brought back to the Zoning Commission on June 17, 2008 was made by Perry O'Brien/Yvonne Chatelain. All members present voted aye.**

ITEM NO. 2 Proposed Zoning Ordinance Amendments; Amending Section 40-67 (h) Setbacks from pipelines. Section 40-67 (h) be changed to: To provide adequate protection in all districts zoned for residential uses, a minimum setback of 25 feet of all buildings from any underground, high-pressure, gas pipeline easement or any other hazardous pipeline is required. When deemed necessary, the City Commission may request additional setbacks. (Action) Mr. Don Carroll gave an overview of the proposed Zoning Ordinance amendment. Mrs. Chatelain asked if we currently have a 60 foot setback line from the easement to the building. Mr. Kneupper stated currently the Zoning Ordinance states that no residential structure shall be constructed within 60 feet of a pipeline. He further stated that most cities have minimum setbacks

for pipelines that are less than 25 feet that this has been workshopped with the Planning Board and they approved the 25 foot setback. Mr. Carroll stated when this item was workshopped Shell Pipeline agreed to use thicker pipelines depending on the product in the pipeline and stated they would agree to go deeper than necessary for safety. **A motion to approved the amendment to the Zoning Ordinance; Amending Section 40-67 (h) Setbacks from pipelines. Section 40-67 (h) was made by Perry O'Brien/Bert Dahl. All members present voted aye.**

ITEM NO. 3 Recommendations regarding allowable zoning district uses within the Business Growth Industrial Area (Land Use Designation) workshop. (Action) Mr. Don Carroll stated the areas being reviewed are in the Business Growth Area. He stated the Staff is making a recommendation for change in the Activity Corridor along FM 1764 between Highway 3, Highway 146 and the direction of FM 1765. Mr. Carroll stated the Staff believes this is prime commercial property and would like to have the Masonry Ordinance in this area. Mr. Carroll stated the "Light Industry" classifications would be brought to the Zoning Commission for approval to have the Masonry Ordinance amended to include these areas. Mr. Carroll presented pictures to the Commission of local areas using full masonry compared to similar areas of our city. Mrs. Chatelain stated she believes that making this stricter change makes it harder on property owners and developers. Mr. Carroll stated he acknowledges there may be some additional cost, but there is an appeal process under the current provisions for the property owners and developers. Mr. Carroll further stated this is a workshop issue regarding the land use and although it is not required he would like to bring this back to the Commission as a Public Hearing. Mr. Carroll will also bring the recommended text changes to Light Industry and Outdoor Industrial to require them to adhere to the Masonry Ordinance. Mr. O'Brien stated as changes are made the City must think of small businesses that might not be able to build due to increased costs. Mr. O'Brien stated he would like to find out what the Commission can do with existing properties to improve the appearance in the areas of the Activity Corridor. Mr. Carroll stated a Public Hearing notice will be posted for the Zoning Commission regarding the Activity Corridor, "Light Industrial" and "Outdoor Industrial".

After a brief discussion **a motion was made by Yvonne Chatelain/Bert Dahl to adjourn. All members present voted aye.**

James Horan, Acting Chairman

Donald R. Carroll, Secretary

**Bud Amd for Change Phase X Sewer Rehab
CITY COMMISSION AGENDA 2****Date:** 07/16/2008**Submitted By:** Susan Sensat, Administration**Submitted For:** Laura Boyd**Department:** Finance**Agenda Area:** Regular Items

Information**ACTION REQUEST (Brief Summary)**

Consider approval of **Ordinance No. 08-32** to amend the **City of Texas City's fiscal year 2007/2008 budget** for the change order on the **Phase X Sewer Rehabilitation Project**.

BACKGROUND

A budget amendment is needed to fund a change order on the Phase X Sewer Rehabilitation Project (7th Street Improvements).

ANALYSIS

Budget amendment is as follows:

510-70255680-07015 Sewer Rehabilitation Project X	\$267,675.00
510-702-55680-08014 Sewer Rehabilitation Project XI	(\$ 60,000.00)
101-000-79999 General Fund Undesignated Fund Balance	\$207,675.00

ALTERNATIVES CONSIDERED

Fiscal Impact

Attachments

Link: Ord.
No. 08-32

ORDINANCE NO. 08-32

AN ORDINANCE AMENDING ORDINANCE NO. 07-32, ADOPTING THE 2007-2008 FISCAL YEAR BUDGET TO PROVIDE FUNDING FOR THE CHANGE ORDER ON THE PHASE X SEWER REHABILITATION PROJECT (7TH STREET IMPROVEMENTS); DIRECTING THE CHIEF EXECUTIVE OFFICER TO FILE OR CAUSE TO BE FILED A COPY OF THE AMENDED BUDGET IN THE OFFICE OF THE GALVESTON COUNTY CLERK AND THE STATE COMPTROLLER'S OFFICE; DISPENSING WITH THE REQUIREMENT FOR READING THIS ORDINANCE ON THREE (3) SEPARATE DAYS; AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

WHEREAS, by Ordinance No. 07-32, the City Commission of the City of Texas City, Texas, adopted its budget for Fiscal Year 2007-2008; and,

WHEREAS, a budget amendment is needed to provide funding for the change order on the Phase X Sewer Rehabilitation Project (7th Street Improvements); and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF TEXAS CITY, TEXAS:

SECTION 1: That the facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct.

SECTION 2: That the budget for Fiscal Year 2007-2008 of the City of Texas City, Texas, is hereby amended as follows:

Sewer Revenue Fund (510):

510-702-55680-07015 Sewer Rehabilitation Project X	\$267,675.00
510-000-79999 Undesignated Budget Balance	< \$267,675.00 >

SECTION 3: That the chief executive officer shall file or cause to be filed a copy of this budget amendment in the office of the Galveston County Clerk and the State Comptroller's Office.

SECTION 4: That the Charter requirement for reading this Ordinance on three (3) separate days has been dispensed by a majority vote of all members of the City Commission.

SECTION 5: That this Ordinance shall be finally passed and adopted on the date of its introduction and shall become effective from and after its passage and adoption.

PASSED AND ADOPTED this 16th day of July, 2008.

Matthew T. Doyle, Mayor
City of Texas City, Texas

ATTEST:

APPROVED AS TO FORM:

Pamela A. Lawrence
City Secretary

Robert Gervais
City Attorney

Budget Amendment for Economic Development Corporation CITY COMMISSION AGENDA 2

Date: 07/16/2008

Submitted By: Susan Sensat, Administration

Submitted For: Doug Hoover

Department: Finance

Agenda Area: Regular Items

Information

ACTION REQUEST (Brief Summary)

Consider approval of **Ordinance 08-33**, request to **amend the City of Texas City's fiscal year 2007/2008 budget**, to partially fund **Sanders/Vincent Community Center project from Texas City Economic Development Corporation**.

BACKGROUND

A budget amendment is needed to partially fund the Sanders/Vincent Community Center. The Texas City Economic Development Corporation (TCEDC) met July 9, 2008, and approved funding of \$500,000.00 for this project.

ANALYSIS

TCEDC (801) - General Fund (101):

101-301-55010-Sanders/Vincent Center Project	\$500,000.00
801-000-79999 TCEDC Undesignated Budget Balance	(\$500,000.00)

ALTERNATIVES CONSIDERED

Fiscal Impact

Attachments

Link:

Ord.

No.

08-33

ORDINANCE NO. 08-33

AN ORDINANCE AMENDING ORDINANCE NO. 07-32, ADOPTING THE 2007-2008 FISCAL YEAR BUDGET TO PROVIDE PARTIAL FUNDING FOR THE SANDERS/VINCENT COMMUNITY CENTER PROJECT; DIRECTING THE CHIEF EXECUTIVE OFFICER TO FILE OR CAUSE TO BE FILED A COPY OF THE AMENDED BUDGET IN THE OFFICE OF THE GALVESTON COUNTY CLERK AND THE STATE COMPTROLLER'S OFFICE; DISPENSING WITH THE REQUIREMENT FOR READING THIS ORDINANCE ON THREE (3) SEPARATE DAYS; AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

WHEREAS, by Ordinance No. 07-32, the City Commission of the City of Texas City, Texas, adopted its budget for Fiscal Year 2007-2008; and,

WHEREAS, a budget amendment is needed to provide partial funding for the Sanders/Vincent Community Center; and

WHEREAS, it is intended that the source of funding will be Texas City Economic Development Corporation and the General Fund;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF TEXAS CITY, TEXAS:

SECTION 1: That the facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct.

SECTION 2: That the budget for Fiscal Year 2007-2008 of the City of Texas City, Texas, is hereby amended as follows:

General Fund (101):

101-301-55010-08021 - Sanders/Vincent Center Project	\$500,000.00
101-000-49020 – Transfer from EDC	< \$500,000.00 >

Economic Development Corp (801):

801-000-59001 – Transfer to General Fund	\$500,000.00
801-000-79999 – Undesignated Budget Balance	< \$500,000.00 >

SECTION 3: That the chief executive officer shall file or cause to be filed a copy of this budget amendment in the office of the Galveston County Clerk and the State Comptroller's Office.

SECTION 4: That the Charter requirement for reading this Ordinance on three (3) separate days has been dispensed by a majority vote of all members of the City Commission.

SECTION 5: That this Ordinance shall be finally passed and adopted on the date of its introduction and shall become effective from and after its passage and adoption.

PASSED AND ADOPTED this 16th day of July, 2008.

Matthew T. Doyle, Mayor
City of Texas City, Texas

ATTEST:

APPROVED AS TO FORM:

Pamela A. Lawrence
City Secretary

Robert Gervais
City Attorney

Budget Amendment for construction of Sanders/Vincent Community Center

CITY COMMISSION AGENDA 2

Date: 07/16/2008

Submitted By: Susan Sensat, Administration

Submitted For: Laura Boyd

Department: Finance

Agenda Area: Regular Items

Information

ACTION REQUEST (Brief Summary)

Consider approval of Ordinance No. 08-34, request to amend the City of Texas City's fiscal year 2007/2008 budget to fund the Sanders/Vincent Community Center project from the General Fund.

BACKGROUND

A budget amendment is needed to fund the construction of the Sanders/Vincent Community Center. The Texas City Economic Development Corporation approved funding \$500,000.00 of the project. The remaining \$3,500,000.00 of the project will be coming out of the City's General Fund.

ANALYSIS

General Fund (101) - Public Works (301):

101-301-55010-Sanders/Vincent Project	\$3,500,000.00
101-000-79999 Undesignated Budget Balance	(\$3,500,000.00)

ALTERNATIVES CONSIDERED

Fiscal Impact

Attachments

Link:
Ord.
No.
08-34

ORDINANCE NO. 08-34

AN ORDINANCE AMENDING ORDINANCE NO. 07-32, ADOPTING THE 2007-2008 FISCAL YEAR BUDGET TO PROVIDE FUNDING FOR THE SANDERS/VINCENT COMMUNITY CENTER PROJECT; DIRECTING THE CHIEF EXECUTIVE OFFICER TO FILE OR CAUSE TO BE FILED A COPY OF THE AMENDED BUDGET IN THE OFFICE OF THE GALVESTON COUNTY CLERK AND THE STATE COMPTROLLER'S OFFICE; DISPENSING WITH THE REQUIREMENT FOR READING THIS ORDINANCE ON THREE (3) SEPARATE DAYS; AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

WHEREAS, by Ordinance No. 07-32, the City Commission of the City of Texas City, Texas, adopted its budget for Fiscal Year 2007-2008; and,

WHEREAS, a budget amendment is needed to provide funding for the Sanders/Vincent Community Center; and

WHEREAS, it is intended that the source of funding will be \$500,000.00 from Texas City Economic Development Corporation and \$3,500,000.00 from the City's General Fund for a total project amount of \$4,000,000.00;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF TEXAS CITY, TEXAS:

SECTION 1: That the facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct.

SECTION 2: That the budget for Fiscal Year 2007-2008 of the City of Texas City, Texas, is hereby amended as follows:

General Fund (101) Public Works (301):

101-301-55010-08021 - Sanders/Vincent Center Project	\$3,500,000.00
101-000-79999 - Undesignated Budget Balance	< \$3,500,000.00 >

SECTION 3: That the chief executive officer shall file or cause to be filed a copy of this budget amendment in the office of the Galveston County Clerk and the State Comptroller's Office.

SECTION 4: That the Charter requirement for reading this Ordinance on three (3) separate days has been dispensed by a majority vote of all members of the City Commission.

SECTION 5: That this Ordinance shall be finally passed and adopted on the date of its introduction and shall become effective from and after its passage and adoption.

PASSED AND ADOPTED this 16th day of July, 2008.

Matthew T. Doyle, Mayor
City of Texas City, Texas

ATTEST:

APPROVED AS TO FORM:

Pamela A. Lawrence
City Secretary

Robert Gervais
City Attorney